

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

In re:

The Financial Oversight and Management Board
for Puerto Rico,

as representative of

The Commonwealth of Puerto Rico, et al.

Debtors.¹

PROMESA
Title III

No. 17 BK 3283-LTS

(Jointly Administered)

**STIPULATION AND AGREED ORDER
REGARDING WITHDRAWAL OF PROOF OF CLAIM OF
JEANETTA PIRTLE AND HUMBERTO MEDINA-TORRES (CLAIM NO. 27635)**

The Commonwealth of Puerto Rico (the “Commonwealth”), by and through the Financial Oversight and Management Board for Puerto Rico (the “Oversight Board”), as the sole Title III representative of the Commonwealth pursuant to section 315(b) of the *Puerto Rico Oversight, Management, and Economic Stability Act* (“PROMESA”),² on the one hand, and Jeanetta Pirtle

¹ The Debtors in these Title III Cases, along with each Debtor’s respective Title III case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (the “Commonwealth”) (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority (“PREPA”) (Bankruptcy Case No. 17 BK 4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority (“PBA”, and together with the Commonwealth, COFINA, HTA, ERS, and PREPA, the “Debtors”) (Bankruptcy Case No. 19-BK-5532-LTS) (Last Four Digits of Federal Tax ID: 3801) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

² PROMESA is codified at 48 U.S.C. §§ 2101–2241.

and Humberto Medina-Torres (“Claimants”), on the other hand, hereby enter into this stipulation (the “Stipulation”) as follows:

RECITALS

A. On May 3, 2017, the Oversight Board issued a restructuring certification pursuant to sections 104(j) and 206 of PROMESA and filed a voluntary petition for relief for the Commonwealth pursuant to PROMESA section 304(a), commencing a case under Title III thereof (the “Commonwealth Title III Case”).

B. By operation of PROMESA and pursuant to PROMESA section 315(b), the Oversight Board is the representative of the Commonwealth in the Commonwealth Title III Case.

C. The Court has subject matter jurisdiction over this matter pursuant to PROMESA section 306(a), and venue is proper in this District pursuant to PROMESA section 307(a).

D. On February 15, 2018, the Court entered an *Order (A) Establishing Deadlines and Procedures for Filing Proofs of Claim and (B) Approving Form and Manner of Notice Thereof* (the “Bar Date Order”) [Case No. 17-3283, ECF No. 2521], pursuant to which, among other things, the Court directed that creditors file proofs of claim in the Title III cases by the dates set forth in the Bar Date Order.

E. On May 29, 2018, Claimants filed Proof of Claim No. 27635 (the “Claim to Be Withdrawn”) against the Commonwealth, in the amount of \$1,635,000.00, asserting liabilities associated with a personal injury litigation filed in the United States District Court for the District of Puerto Rico styled *Jeanetta B. Pirtle, et al. v. Municipality of Isabela, et al.*, Case No. 18-1200 (the “Litigation”).

F. On July 31, 2020, the Commonwealth, the Puerto Rico Highways and Transportation Authority (the “HTA”), and the Employees Retirement System for the Government of the Commonwealth of Puerto Rico (“ERS,” and together with the Commonwealth and HTA, the “Debtors”), by and through the Oversight Board, filed that certain *Three Hundred Fourteenth Omnibus Objection (Substantive) of the Commonwealth of Puerto Rico, the Puerto Rico Highways and Transportation Authority, and the Employees Retirement System to the Government of the Commonwealth of Puerto Rico to Claims for Which the Debtors are Not Liable* (the “Three Hundred Fourteenth Omnibus Objection”) [ECF No. 16638] seeking to disallow proofs of claim for which the Debtors are not liable, because, *inter alia*, they assert liabilities associated with litigations that have been dismissed. The Claim to Be Withdrawn is subject to the Three Hundred Fourteenth Omnibus Objection.

G. On June 6, 2021, Claimants filed that certain *Motion Requesting Leave to Withdraw Legal Representation and Objection to Filing No. 16638* [ECF No. 16873] (the “Response”). Therein, Claimants did not dispute that the Litigation was dismissed against all defendants, with prejudice, on July 13, 2020, but rather, raised various other arguments in support of the Claim to Be Withdrawn.

H. On July 28, 2021, the Debtors filed a reply [ECF No. 17564] in support of the Three Hundred Fourteenth Omnibus Objection addressing the various arguments presented in the Response, including that even if the Claim to Be Withdrawn did seek to assert liabilities against the Commonwealth associated with personal injuries arising from Ms. Pirtle’s April 2017 accident, the Commonwealth is not liable for such injuries, as the statute of limitations on the Claimants’ claims has since expired.

NOW, THEREFORE, in consideration of the foregoing, the parties hereby agree as follows:

AGREEMENT

1. The Claim to Be Withdrawn is hereby withdrawn in its entirety, with prejudice. In connection with such withdrawal, (a) the Title III Debtors' claims and noticing agent, Prime Clerk, LLC, and the Clerk of the Court are authorized and directed to update the Commonwealth claims register maintained in the Commonwealth Title III Case to reflect the withdrawal of the Claim to Be Withdrawn; and (b) the Oversight Board's Three Hundred Fourteenth Omnibus is hereby deemed withdrawn, solely as to the Claim to Be Withdrawn.

2. The parties hereto represent and warrant that they are duly authorized to enter into and be bound by this Stipulation. Nothing herein shall impair any right, power, or obligation or be considered a waiver of any such right, power or obligation the parties hereto have with respect to any valid and existing agreements between the parties hereto, which agreements remain in full force and effect and are not modified hereby.

3. This Court shall retain jurisdiction to hear and determine all matters arising from or related to the implementation, interpretation, or enforcement of this Stipulation.

4. This Stipulation may be executed in multiple counterparts, any of which may be transmitted by facsimile or electronic mail, and each of which will be deemed an original, but all of which together will constitute one instrument.

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STIPULATED AND AGREED TO BY:

PROSKAUER ROSE LLP

/s/ Martin J. Bienenstock

Martin J. Bienenstock (pro hac vice)
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*Attorneys for the Financial Oversight
and Management Board as
representative for the Commonwealth*

SO ORDERED ON August 4, 2021

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
United States District Judge

CERTIFICATE OF SERVICE

I certify that on the date hereof, a true and correct copy of the above and foregoing was served upon all parties via the Court's electronic case filing system (ECF).

/s/ Ricardo Burgos Vargas
Hermann D. Bauer